

Senate Bill 311

By: Senators Shafer of the 48th, Rogers of the 21st, Hudgens of the 47th, Murphy of the 27th, Hill of the 32nd and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface water use, so as to provide legislative findings; to provide for definitions; to require the Environmental Protection Division of the Department of Natural Resources to inspect certain infrastructure relating to removing surface water; to provide certain alternatives to governmental entities required to repair or replace certain inadequate infrastructure; to authorize the Environmental Division of the Department of Natural Resources to promulgate rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Water Savings and Conservation Act of 2010."

SECTION 2.

Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface water use, is amended by adding a new Code section to read as follows:

"12-5-31.1.

(a) The General Assembly finds that:

(1) Local governments cannot account for an estimated 18 percent of surface water removed for public use;

(2) Much of the water loss is due to aging, faulty, or poorly maintained water infrastructure;

(3) Repair of water infrastructure is in the interest of the state and will potentially make millions of additional gallons of water available for public use without increasing the amount of surface water permitted to be withdrawn;

(4) Repair of the infrastructure responsible for such water loss is an undertaking that will likely cost millions of dollars;

(5) An unfunded mandate that local governments make the repairs will likely result in substantially higher water rates or local tax increases;

(6) Alternative financing methods for the repair of water infrastructure should be made available to local governments.

(7) Certain local governments have experienced difficulty obtaining permits to remove surface water sufficient to supply the needs of their communities; and

(8) A regulatory system should be created under which a local government seeking a permit to remove surface water may elect to repair the water infrastructure of another local government which has declined to make repairs, provided that the amount of water salvaged from the repairs shall be reallocated from the permit of the local government receiving the repairs to the local government making the repairs.

(b) For the purposes of this Code section:

(1) 'Infrastructure' means the equipment used by the entity possessing a permit to remove surface water.

(2) 'Permit' means a permit granted pursuant to Code Section 12-5-31.

(c) The division shall gather the necessary data to determine what percentage of water for which the governmental entity is permitted to remove, if any, that is being lost as a result of such governmental entity's infrastructure in place to remove the surface water.

(d) The division shall compile a record of all governmental entities with a permit that possess an infrastructure that the division has concluded is losing surface water during the process of removing such surface water. The division shall notify all such governmental entities, and after such notification, each governmental entity shall have 90 days to provide the division with a plan to repair or replace the governmental entity's infrastructure in order to rectify the issue of the surface water lost during the removal process.

(e) A governmental entity required to submit a plan to the division pursuant to subsection (d) of this Code section may through its authority to enter into intergovernmental contracts make an agreement with another governmental entity of this state to repair or replace the infrastructure of the governmental entity submitting the plan to the division. Such intergovernmental agreement may include a provision providing that the water salvaged as a result of the repairing or the replacement of the infrastructure may be used as consideration to the governmental entity repairing or replacing such infrastructure.

(f) If a governmental entity notified pursuant to subsection (d) of this Code section fails to provide the division with a plan to repair or replace its infrastructure that is approved by the division, another governmental entity may submit an alternative plan to repair or replace said infrastructure. If the alternative plan is approved by the division, and if the

governmental entity notified pursuant to subsection (d) of this Code section does not elect to itself to make the repairs or replacements specified in the alternative plan, the local government submitting the alternative plan shall make said repairs or replacements. Upon completion of the repairs or replacements specified in the alternative plan by the alternative plan by the submitting governmental entity, the division shall reallocate the amount of water salvaged by the plan from the permit of the governmental entity notified pursuant to subsection (d) of this Code section to the permit of the governmental entity submitting and completing the alternative plan.

(g) The division shall promulgate such rules and regulations necessary for the implementation of this Code section."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.